

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TALLY ROWAN,

Plaintiff,

v.

JENNIFER KNUTSON, River Falls Pd;
ROBERT FUNK, Prescott Pd;
TIMOTHY STEINMENZ; LORI GARLICK;
KATHERN BLOOM, RVAH; KELLY FAYE;
DONNA CHRISTIANSEN, EMS Prescott;

Defendants.

ORDER

10-cv-124-slc¹

Plaintiff Tally Rowan, a prisoner at the Taycheedah Correctional Institution, filed this lawsuit on March 11, 2010, in which she alleged that defendants Jennifer Knutson, a River Falls police officer; Robert Funk, a Prescott police officer; Dr. Timothy Steinmenz; Kathern Bloom and Lori Garlick, nurses at the defendant River Falls Area Hospital; and Kelly Faye and Donna Christiansen, emergency medical technicians employed by the City of Prescott, violated her constitutional rights in various ways. In an order entered March 26, 2010, I

¹ For the purpose of issuing this order, I am assuming jurisdiction over this case.

denied plaintiff's request to proceed in forma pauperis because she has struck out under 28 U.S.C. § 1915(g) and the allegations in her complaint do not suggest that she is in imminent danger of serious physical harm. I told plaintiff that because she is disqualified from proceeding in forma pauperis under § 1915(g), she may continue with this lawsuit only by paying the \$350 filing fee in full by April 16, 2010. Plaintiff has not paid the \$350 filing fee. Now before the court is a letter from plaintiff dated April 3, 2010, that I construe as a motion for reconsideration of the March 26 order.

In her motion, plaintiff asserts that she should be allowed to proceed on her claims against defendants for administering medical treatment to her against her will in March 2008. In addition, she asserts that "TCI refuses to treat [her] properly and . . . cancelled all of [her] specialty ap[pointmen]ts." First, with regard to plaintiff's claim regarding the treatment she received in March 2008, plaintiff cannot proceed on this claim because it is a claim of past harm. As I explained to plaintiff in the March 26 order, in order to qualify for the exception to §1915(g), she must allege in her complaint that she is in imminent danger of serious physical injury. Her claim regarding treatment she received more than two years ago does not meet this standard.

Plaintiff's alleges also that she is being denied medical treatment by "TCI." She says that she is in pain and is suffering from permanent injuries. However, she does not explain who at the prison is denying her requests for medical treatment. In her complaint, plaintiff

has not named any prison or medical staff who could be responsible for preventing her from receiving medical treatment. She has named as defendants only those individuals involved in events that occurred in March 2008. Furthermore, it remains unclear how plaintiff believes the named defendants are connected to the treatment she is or is not receiving. For these reasons, plaintiff's motion for reconsideration will be denied. Also, because plaintiff has failed to pay the full filing fee in this case, I will direct the clerk of court to close the case.

If plaintiff has a claim that she is being denied necessary medical care and treatment at the present time, she may file a new complaint, explaining exactly what care she thinks she needs and identifying the persons she thinks are denying her the care.

ORDER

IT IS ORDERED that

1. Plaintiff's motion for reconsideration of the court's March 26, 2010 order denying her leave to proceed in forma pauperis in this action, dkt. #3, is DENIED.

2. The clerk of court is directed to close this case.

Entered this 23d day of April, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge

